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November 7, 2017

**By ECF**

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

Re: United States ex rel. Dr. Patricia Kelly v. City Medical Associates, et al.  
15 Civ. 7261 (PGG)

Dear Judge Gardephe:

I am a partner in Levy Tolman LLP, formerly known as Levy, Tolman & Costello, LLP. Levy, Tolman & Costello, LLP was retained to represent plaintiff-relator Dr. Patricia A. Kelly in the above referenced matter and is co-counsel on the original filed Complaint (Document 12). Robert J. Costello, Esq., a former partner, left Levy, Tolman & Costello, LLP effective March 31, 2017 and joined Davidoff Hutcher & Citron, LLP. Our firm name was thereafter changed to Levy Tolman LLP.

Levy, Tolman & Costello, LLP filed the Complaint dated September 15, 2015 (Document 12) in this action, upon information and belief, in or about September 2015 under seal. I cannot express more certainty since Mr. Costello took the file with him when he left our firm. Further, this action was taken over by the government while Mr. Costello was still a partner in our firm; the Intervenor Complaint (Document 7) was filed on March 1, 2017.

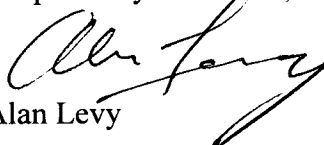
On April 13, 2017, Robert J. Costello, Esq. of Davidoff Hutcher & Citron, LLP filed a Notice of Appearance in this action as co-counsel for plaintiff-relator Dr. Patricia A. Kelly (Document 15). My firm was never discharged to our knowledge nor are we aware of a substitution of attorney, and none is of record on the Court's docket. It is therefore unclear if we have been properly or otherwise substituted, but it appears from the Court's electronic file that Mr. Costello at his new firm is (or is claiming to be) counsel.

We are therefore enclosing and filing with this letter a Notice of Charging Lien to protect our entitlement to a share of all sums to be paid in the disposition of this action whether as a *Qui Tam* award, by verdict, report, determination, decision, award, settlement, judgment, final order or otherwise and whether paid to or for the benefit of Dr. Patricia A. Kelly or in whatever hands

they may come, and for a share of attorneys' fees, all awards, and disbursements. Significant work was performed by Levy, Tolman & Costello, LLP from April 2015 to March 31, 2017 when Mr. Costello left our firm for which we are entitled to be compensated if a recovery is obtained.

We are available for a conference or can provide further information if requested by the Court. Thank you.

Respectfully submitted,



Alan Levy

Enclosure

cc: Robert J. Costello, Esq. (by ECF with copy of Notice of Charging Lien)  
All counsel (by ECF with copy of Notice of Charging Lien)  
Dr. Patricia A. Kelly (by mail with copy of Notice of Charging Lien)

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